



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

ROSS D SNYDER & ASSOCIATES
115 WILD BASIN RD
SUITE 107
AUSTIN TX 78746

COPY MAILED

AUG 23 2001

OFFICE OF PETITIONS

In re Application of
Hebert, et al.
Application No. 09/295,818
Filed: April 21, 1999
Attorney Docket No. 1400.9801210

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts mailed May 12, 1999. This Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 13, 1999. A Notice of Abandonment was mailed on February 12, 2001.

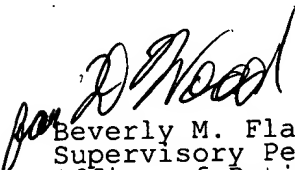
With the instant petition, petitioner filed an executed oath or declaration, paid the petition fee, and made the proper statement of unintentional delay. While petitioner did not submit the \$1274 as required by the Notice to File Missing Parts (\$760 for the basic filing fee, \$384 for additional claims, \$130 for the surcharge), this amount has been charged to Deposit Account 50-1566 as authorized in the Fee Transmittal Form, filed August 13, 2001.

It is noted that a Notice of Incomplete Nonprovisional Application was mailed on June 13, 2000, informing petitioner that a filing date had not been accorded because the specification was missing. A review of the application file reveals that a specification was submitted on April 21, 1999.

Accordingly, the Notice of Incomplete Nonprovisional Application is hereby **VACATED**.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 21, 1999. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy